IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No. 45 of 2003
in
LPA. (St.) No. 47252 of 2002

UTTAMDAS BANSHIDAS BAIRAGI &; ORS. ... applicants
vs.
SHAMDAS SARJUDAS BAIRAGI &; ORS ... respondents

Mr. S.M. Sabrad for applicants
None for respondents.

CORAM: R.M.S. KHANDEPARKAR
&
MRS. ROSHAN DALVI JJ.
DATE:04/04/2006

P.C.:

This is an application for condonation of delay of 27 days in filing the LPA stamp no. 47252 of 2002. Heard learned advocate for the applicant.

The only ground which has been disclosed for delay in filing the appeal is that the applicant was under bona fide impression that the limitation for filing LPA is 90 days and when infact he approached the advocate he came to know that the limitation is 30 days. Admittedly the impression of 90 days period was carried by the applicant without ascertaining either from his advocate or by referring to the relevant statute. In these circumstances the impression in that regard cannot be said to be bona fide. To claim the impression to be bona fide the applicant had not disclosed the efforts made by him to ascertain from the

relevant sources which could have revealed him the exact period of limitation for filing the LPA. Being so and there being no other ground disclosed for condonation of delay it cannot be said to be a sufficient ground for condonation of delay of 27 days.

Besides even on merits there is absolutely no substance in the LPA as it is sought to be preferred against an order refusing to interfere in a writ jurisdiction against an order passed at interlocutory stage.

For the reasons stated above therefore the application for condonation of delay along with the LPA is rejected.

(MRS. ROSHAN DALVI J.) (R.M.S.KHANDEPARKAR J)